

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**LIFE INSURANCE COMPANY OF NORTH  
AMERICA,**

**Plaintiff,**

**v.**

**5:06-CV-946  
(FJS/GHL)**

**JODEAN M. HARRELL; CRYSTAL HARRELL;  
NIKKI HARRELL; ESTATE OF DAVID HARRELL;  
JOHN DOES 1-5; and JANE DOES 1-5,**

**Defendants.**

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**APPEARANCES**

**RUSSO, KEANE & TONER, LLP**

26 Broadway, 28th Floor  
New York, New York 10004  
Attorneys for Plaintiff

**RINALDI LAW OFFICE**

120 East Washington Street, Suite 422  
Syracuse, New York 13202  
Attorneys for Defendants Crystal Harrell and  
Nikki Harrell and Defendant/Cross-Claimant  
Estate of David Harrell

**JODEAN M. HARRELL**

19 Grover Street  
East Syracuse, New York 13057  
Defendant/Cross-Defendant *pro se*

**SCULLIN, Senior Judge**

**OF COUNSEL**

**JAMIE R. ZARETSKY, ESQ.  
KEVIN G. HORBATIUK, ESQ.**

**ANGELO J. RINALDI, ESQ.**

**ORDER**

Plaintiff Life Insurance Corporation of North America is holding \$242,000 in life insurance proceeds under group policies numbered FLI 980002 and FLI 52096 relative to the

death of David J. Harrell ("Life Insurance Proceeds"). Plaintiff makes no claim in its own right to these Life Insurance Proceeds.

Defendants Jodean M. Harrell, Crystal Harrell, Nikki Harrell, and the Estate of David Harrell assert conflicting claims to the above-referenced Life Insurance Proceeds, and Plaintiff cannot safely determine the validity of the claims.

Plaintiff has been required to employ attorneys for the purpose of instituting this action and is entitled to reasonable attorney's fees in the amount of \$4,902.28.

Accordingly, the Court hereby

**ORDERS** that, within **SEVEN (7) DAYS** of the date of this Order, Plaintiff shall deposit with the Clerk of this Court the amount of Plaintiff's admitted liability of \$237,097.72 (i.e., the above-referenced Life Insurance Proceeds minus the above-referenced reasonable attorney's fees); and the Court further

**ORDERS** that, pursuant to Local Rule 67.1 of the Local Rules of Practice for this Court, within **TEN (10) DAYS** of the Clerk's receipt of the above-referenced amount, the Clerk shall take all reasonable steps to deposit the amount in the Court's registry (which shall be an interest-bearing account); and the Court further

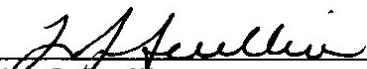
**ORDERS** that, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, upon Plaintiff's deposit of the above-referenced amount with the Clerk of this Court, Plaintiff shall be released and discharged from any further liability upon its group life insurance policies numbered FLI 980002 and FLI 52096 relative to the death of David J. Harrell, and the Clerk of this Court shall memorialize Plaintiff's **DISMISSAL** from this action through a separate entry on the action's docket sheet; and the Court further

**ORDERS** that, pursuant to 28 U.S.C. § 2361, each Defendant shall be **ENJOINED** from instituting or prosecuting any proceeding against Plaintiff, in any court, federal or state, for the recovery of the life insurance proceeds under the policies at issue in this action, or any part thereof; and the Court further

**ORDERS** that Defendants shall interplead and litigate, in this action, their respective claims to the above-referenced amount of \$237,097.72.

**IT IS SO ORDERED.**

Dated: October 20, 2007  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge